UNITED NATIONS **A**

General Assembly

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13 November 1996

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Fifty-first session
THIRD COMMITTEE
Agenda item 106

PROMOTION AND PROTECTION OF THE RIGHTS OF CHILDREN

Afghanistan, Albania, Angola, Argentina, Austria, Azerbaijan, Bangladesh, Barbados, Bosnia and Herzegovina, Botswana, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, Congo, Costa Rica, Croatia, Cuba, Cyprus, Denmark, Djibouti, Dominican Republic, Ecuador, El Salvador, Eritrea, Ethiopia, Finland, Germany, Ghana, Greece, Grenada, Guatemala, Haiti, Honduras, Hungary, Iceland, Indonesia, Ireland, Israel, Italy, Kenya, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Marshall Islands, Mauritius, Mozambique, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, Philippines, Poland, Portugal, Republic of Korea, Romania, Rwanda, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Swaziland, Sweden, the former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Uganda, United Republic of Tanzania, Uruguay, Zaire, Zambia and Zimbabwe: draft resolution

The girl child

The General Assembly,

Recalling its resolution 50/154 of 21 December 1995, and its resolutions 50/42 of 8 December 1995 and 50/203 of 22 December 1995 concerning the follow-up to the Fourth World Conference on Women, held at Beijing from 4 to 15 September 1995,

Recalling also the Beijing Declaration and the Platform for Action of the Fourth World Conference on Women, the Copenhagen Declaration on Social Development and the Programme of Action of the World Summit for Social Development, the Programme of Action of the International Conference on Population and Development, the Vienna Declaration and Programme of Action of the World Conference on Human Rights, the Plan of Action for Implementing the

World Declaration on the Survival, Protection and Development of Children in the 1990s of the World Summit for Children, the World Declaration on Education for All and the Framework for Action to Meet Basic Learning Needs adopted at the World Conference on Education for All: Meeting Basic Learning Needs,

Welcoming with satisfaction the adoption and dissemination of the Declaration and Agenda for Action of the World Congress against Commercial Sex Exploitation of Children, held at Stockholm from 27 to 31 August 1996, 1/ which constitutes an important contribution to the global efforts aimed at the eradication of such practices,

Noting with appreciation the report of the Secretary-General on the mid-decade review of progress made in achieving the goals of the World Summit for Children, 2/

Welcoming the report of the expert appointed by the Secretary-General on the impact of armed conflict on children, 3/

Deeply concerned about discrimination against the girl child and the violation of the rights of the girl child, which often results in less access for girls to education, nutrition, physical and mental health care and to girls enjoying fewer rights, opportunities and benefits of childhood and adolescence than boys and often being subjected to various forms of cultural, social, sexual and economic exploitation and to violence and harmful practices such as early marriage, female infanticide, prenatal sex selection and female genital mutilation,

Reaffirming the equal rights of women and men as enshrined in the Preamble to the Charter of the United Nations, and recalling the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child,

1. Urges all States to take all necessary measures and to institute legal reforms to ensure the full and equal enjoyment by the girl child of all human rights and fundamental freedoms and to take effective action against violations of those rights and freedoms;

2. Also urges all States to enact and enforce legislation protecting girls from all forms of violence, including female infanticide and prenatal sex selection, genital mutilation, incest, sexual abuse, sexual exploitation, child prostitution and child pornography, and to develop age-appropriate safe and confidential programmes and medical, social and psychological support services to assist girls who are subjected to violence;

3. Calls upon all States and international and non-governmental organizations, individually and collectively,

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1/ A/51/385, annex.

2/ A/51/256.

3/ See A/51/306.

(a) To set goals and to develop and implement gender-sensitive strategies to address the rights and needs of children, in accordance with the Convention on the Rights of the Child, and to take into account the rights and particular needs of the girl child, especially in education, health and nutrition, and to eliminate negative cultural attitudes and practices against the girl child;

(b) To generate social support for the enforcement of laws on the minimum legal age for marriage, in particular by providing educational opportunities for girls;

(c) To give attention to the rights and needs of adolescent girls, which call for special actions for their protection from sexual exploitation and abuse, harmful cultural practices, teenage pregnancy and vulnerability to sexually transmitted diseases and HIV/AIDS, and for the development of life skills and self-esteem, reaffirming that the advancement and empowerment of women throughout the life cycle must begin with the girl child at all ages;

(d) To take measures to increase awareness of the potential of the girl child to promote gender-sensitive socialization of boys and girls from early childhood, aimed at achieving gender equality, development and peace within the family and community;

(e) To ensure the equal participation of girls and young women on the basis of non-discrimination and as partners with boys and young men in social, economic and political life and in the development of strategies and implementation of actions aimed at achieving gender equality, development and peace;

(f) To strengthen and reorient health education and health services, particularly primary health care programmes, including sexual and reproductive health, and to design quality health programmes that meet the physical and mental needs of girls and that attend to the needs of young expectant and nursing mothers;

4. Urges States to enact and strictly enforce laws to ensure that marriage is entered into only with the free and full consent of the intending spouses, and to enact and strictly enforce laws concerning the minimum legal age of consent and the minimum age for marriage and to raise the minimum age for marriage where necessary;

5. Also urges States to eliminate all barriers so as to enable girls, without exception, to develop their full potential and skills through equal access to education and training;

6. Encourages States to consider ways and means to ensure the continuing education of married women, pregnant women and young mothers;

7. Urges States to take special measures for the protection of children, in particular to protect girls from rape and other forms of sexual abuse and gender-based violence in situations of armed conflict, in line with the recommendations of the expert appointed by the Secretary-General on the impact of armed conflict on children;

8. Also urges States to fulfil the obligations they have undertaken under the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women to protect women and girls from all forms of violence, including domestic violence, sexual trafficking and child prostitution;

9. Further urges States to implement measures in line with the recommendations of the Special Rapporteur of the Commission on Human Rights on violence against women; 4/

10. Requests all States to implement, on an urgent basis, measures to protect children from all forms of sexual exploitation, including measures in line with those outlined in the Stockholm Declaration and Agenda for Action;

11. Requests the Secretary-General, as Chairman of the Administrative Committee on Coordination, to ensure that all organizations and bodies of the United Nations system, individually and collectively, in particular the United Nations Children's Fund, the United Nations Educational, Scientific and Cultural Organization, the World Food Programme, the United Nations Population Fund, the World Health Organization, the United Nations High Commissioner for Human Rights, the United Nations Development Programme and the United Nations High Commissioner for Refugees, take into account the rights and the particular needs of the girl child, especially in education, health and nutrition, and eliminate negative cultural attitudes and practices against the girl child in the implementation of the Platform for Action of the Fourth World Conference on Women and the system-wide medium-term plan for the advancement of women for the period 1996-2001;

12. Calls upon the Commission on Human Rights, while considering, in accordance with agreed conclusion 1996/1 of the Economic and Social Council, 5/ its input to the Commission on the Status of Women on ensuring women's equal enjoyment of human rights relating to economic resources, to pay particular attention to all the human rights of the girl child;

13. Calls upon States and international and non-governmental organizations to mobilize all necessary resources, support and efforts to realize the goals, strategic objectives and actions set out in the Platform for Action of the Fourth World Conference on Women;

14. Calls upon all States, all the relevant organizations and bodies of the United Nations system and non-governmental organizations to implement commitments to goals and actions relating to the girl child and to report on initiatives and progress to the Commission on the Status of Women at its _____ session, pursuant to the decision of the Commission to review the progress made in the implementation of the Beijing Platform for Action relating to the girl child in 1998.

4/ See E/CN.4/1996/53 and Add.1 and 2.

5/ See A/51/3 (Part I), chap. III, sect. A.

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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Argentina, Cape Verde, Chile, Colombia, Costa Rica, Cuba, Ecuador, Egypt, El Salvador, Ghana, Guatemala, Mexico, Morocco, Nicaragua, Paraguay, Philippines, Sri Lanka, Tunisia, Turkey and Uruguay: draft resolution

International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

The General Assembly,

Reaffirming once more the permanent validity of the principles and norms set forth in the basic instruments regarding the international protection of human rights, in particular the Universal Declaration of Human Rights, 1/ the International Covenants on Human Rights, 2/ the International Convention on the Elimination of All Forms of Racial Discrimination, 3/ the Convention on the Elimination of All Forms of Discrimination against Women 4/ and the Convention on the Rights of the Child, 5/

Bearing in mind the principles and norms established within the framework of the International Labour Organization and the importance of the work done in

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1/ Resolution 217 A (III).

2/ Resolution 2200 A (XXI), annex.

3/ Resolution 2106 A (XX), annex.

4/ Resolution 38/180, annex.

5/ Resolution 44/25, annex.

connection with migrant workers and members of their families in other specialized agencies and in various organs of the United Nations,

Reiterating that, despite the existence of an already established body of principles and norms, there is a need to make further efforts to improve the situation and to guarantee respect for the human rights and dignity of all migrant workers and members of their families,

Aware of the situation of migrant workers and members of their families and the marked increase in migratory movements that has occurred, especially in certain parts of the world,

Considering that, in the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 6/ all States are urged to guarantee the protection of the human rights of all migrant workers and members of their families,

Underlining the importance of the creation and promotion of conditions to foster greater harmony and tolerance between migrant workers and the rest of the society of the State in which they reside, with the aim of eliminating the growing manifestations of racism and xenophobia taking place in segments of many societies and perpetrated by individuals or groups against migrant workers,

Recalling its resolution 45/158 of 18 December 1990, by which it adopted and opened for signature ratification and accession the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Bearing in mind that, in the Vienna Declaration and Programme of Action, States are invited to consider the possibility of signing and ratifying the Convention at the earliest possible time,

Recalling that, in its resolution 50/169 of 22 December 1995, it requested the Secretary-General to submit to it at its fifty-first session a report on the status of the Convention,

1. Expresses its deep concern at the growing manifestations of racism, xenophobia and other forms of discrimination and inhuman or degrading treatment directed against migrant workers in different parts of the world;

2. Welcomes the signature or ratification of, or accession to, the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families by some Member States;

3. Calls upon all Member States to consider signing and ratifying or acceding to the Convention as a matter of priority and expresses the hope that it will enter into force at an early date;

6/ A/CONF.157/24 (Part I), chap. III.

4. Requests the Secretary-General to provide all facilities and assistance necessary for the promotion of the Convention through the World Public Information Campaign on Human Rights and the programme of advisory services in the field of human rights;

5. Invites the organizations and agencies of the United Nations system and intergovernmental and non-governmental organizations to intensify their efforts with a view to disseminating information on and promoting understanding of the Convention;

6. Takes note of the report of the Secretary-General 7/ and requests him to submit to it at its fifty-second session an updated report on the status of the Convention;

7. Decides to consider the report of the Secretary-General at its fifty-second session under the sub-item entitled "Implementation of human rights instruments".

7/ A/51/415.

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Fifty-first session
THIRD COMMITTEE
Agenda item 110 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Australia, Austria, Belgium, Canada, Chile, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Monaco, Netherlands, New Zealand, Norway, Romania, Slovakia, Slovenia, Spain, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Recalling article 5 of the Universal Declaration of Human Rights,[1] article 7 of the International Covenant on Civil and Political Rights,[2] the Declaration on the Protection of All Persons from Being Subjected to Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[3] and its resolution 39/46 of 10 December 1984, by which it adopted and opened for signature, ratification and accession the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and all its subsequent relevant resolutions,

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] Resolution 3452 (XXX), annex.

Recalling General Assembly resolution 36/151 of 16 December 1981, which noted with deep concern that acts of torture took place in various countries, recognized the need to provide assistance to the victims in a purely humanitarian spirit and established the United Nations Voluntary Fund for Victims of Torture,

Recalling the recommendation in the Vienna Declaration and Programme of Action,[4] that high priority should be given to provision of the necessary resources to assistance to victims of torture and effective remedies for their physical, psychological and social rehabilitation, inter alia, by additional contributions to the United Nations Voluntary Fund for Victims of Torture,

Noting with satisfaction the existence and rapid expansion of an international network of centres for the rehabilitation of torture victims, which plays an important role in providing assistance to victims of torture, and the collaboration of the Fund with the centres,

1. Commends the Committee against Torture for its excellent report[5] submitted in accordance with the provision of Article 24 of the Convention against Torture;

2. Notes with appreciation that during the present reporting period, eight States have become party to the Convention, increasing the number of States parties to one hundred;

3. Urges all States that have not yet done so to become parties to the Convention as a matter of priority;

4. Invites all States ratifying or acceding to the Convention and those States which are parties to the Convention and which have not yet done so to consider joining the States parties which have already made the declarations provided for in articles 21 and 22 of the Convention, and to consider the possibility of withdrawing their reservations to article 20;

5. Urges States parties to comply strictly with their obligations under the Convention, including their obligation to submit reports in accordance with article 19 of the Convention in view of the high number of reports not submitted;

6. Calls on all Governments to cooperate with and assist the Special Rapporteur on Torture in the performance of his task, and to supply all necessary information requested by him and to react appropriately to his urgent appeals;

7. Approves the methods of work employed by the Special Rapporteur, in particular as regards urgent appeals, reiterates his need to be able to respond

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[4] A/CONF.157/24 (Part I), chap. III.

[5] Official Records of the General Assembly, Fifty-first Session, Supplement No. 4 (A/51/44).

effectively to credible and reliable information that comes before him and invites him to continue to seek the views and comments of all concerned in the elaboration of his report and expresses its appreciation of the continuing discrete and independent way in which he carries out his work;

8. Stresses the need for regular exchanges of views between the Committee against Torture, the Special Rapporteur on Torture and other relevant United Nations mechanisms and bodies, with a view to enhancing further their effectiveness and cooperation on issues relating to torture inter alia by improving their coordination;

9. Commends the High Commissioner for Human Rights and the Secretariat for support to States in preparing national reports to the Committee;

10. Urges States parties to take fully into account the conclusions and recommendations made by the Committee after consideration of their reports;

11. Urges all States parties to the Convention to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 of the Convention as soon as possible;

12. Encourages the open-ended Working Group of the Commission on Human Rights on the elaboration of a draft protocol to the Convention against Torture establishing a preventive system of regular visits to places of detention to intensify its deliberations with a view to an early conclusion of its work;

* * *

13. Expresses its gratitude and appreciation to the Governments, organizations and individuals that have already contributed to the United Nations Voluntary Fund for Victims of Torture;

14. Appeals to all Governments, organizations and individuals in a position to do so to respond favourably to requests for contributions to the Fund, if possible on a regular basis and annually before the meeting of the Board of Trustees of the Fund and if possible also with a substantial increase in the level of contributions so that consideration may be given to the ever-increasing demand for assistance;

15. Requests the Secretary-General to transmit to all Governments the appeals of the General Assembly for contributions to the Fund;

16. Requests the Secretary-General to continue to include the Fund on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

17. Expresses its appreciation to the Board of Trustees of the Fund for the work it has accomplished;

18. Requests the Secretary-General to assist the Board of Trustees of the Fund in its appeal for contributions and its efforts to make better known the existence of the Fund and the financial means currently available to it as well

as its assessment of the global need for international funding of rehabilitation services for torture victims and in this effort to make use of all existing possibilities, including the preparation, production and dissemination of information materials;

* * *

19. Requests the Secretary-General to ensure provision of adequate staff and facilities for the bodies and mechanisms that combat torture corresponding to the strong support combating of torture enjoys by the Member States;

20. Invites donor countries and developing countries that so agree to include in their bilateral development cooperation programmes and projects relating to the training of armed forces and police personnel as well as health care personnel in matters relating to the protection of human rights and the prevention of torture;

21. Requests the Secretary-General to submit to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-third session a report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment as well as report on the operations of the United Nations Voluntary Fund for the Victims of Torture;

22. Decides to consider the reports of the Secretary-General and the Committee against Torture at its fifty-third session under the sub-item entitled "Implementation of human rights instruments".

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THIRD COMMITTEE
Agenda item 110 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Albania, Australia, Austria, Canada, Chile, Czech Republic, Denmark, Finland, Germany, Iceland, Luxembourg, Georgia, Hungary, Norway, Poland, Slovakia and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 50/170 of 22 December 1995, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993, 1/

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal Declaration of Human Rights, 2/ to promote universal respect for and observance of human rights and fundamental freedoms,

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1/ Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

2/ Resolution 217 A (III).

/...

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Expressing concern that the underresourcing of the Centre for Human Rights of the Secretariat is one impediment to the human rights treaty bodies in their ability to carry out their mandates effectively,

Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights, 3/

1. Welcomes the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996, 4/ and takes note of their conclusions and recommendations;

2. Encourages greater efforts to identify measures for more effective implementation of the United Nations human rights instruments;

3/ A/51/425.

4/ A/51/482, annex.

3. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session;

4. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing and otherwise improving reporting procedures, and urges the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States;

5. Requests that the Secretary-General prepare, from within existing resources, a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights, 5/ the International Covenant on Civil and Political Rights, 5/ the International Convention on the Elimination of All Forms of Racial Discrimination, 6/ the Convention on the Elimination of All Forms of Discrimination against Women, 7/ the Convention on the Rights of the Child 8/ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 9/ with a view to identifying duplication of reporting required under these instruments;

6. Requests the United Nations High Commissioner for Human Rights to encourage the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective operation of the human rights treaty system 10/ in time for the final report to be considered by the

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5/ Resolution 217 A (III).

6/ Resolution 2106 A (XX), annex.

7/ Resolution 34/180, annex.

8/ Resolution 44/25, annex.

9/ Resolution 39/46, annex.

10/ A/CONF.157/PC/62/Add.1/Rev.1

Commission on Human Rights, as requested by the General Assembly in its resolution 48/120 of 20 December 1993, at its fifty-third session;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Expresses concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

9. Also expresses concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

10. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

11. Requests the United Nations High Commissioner for Human Rights to ensure that the revised Manual on Human Rights Reporting is available in all official languages at the earliest opportunity;

12. Encourages the efforts of the human rights treaty bodies to examine the progress made in achieving the fulfilment of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance in the regular course of their work of reviewing the periodic reports of States parties;

16. Welcomes the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies, and request the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and

invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

18. Endorses the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance existing cooperation between the human rights treaty bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities; 11/

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

20. Takes note of the recommendation by the persons chairing the human rights treaty bodies that any new human rights treaty should allow for simplified amendment of its procedural provisions; 12/

21. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider taking measures that would facilitate the participation by representatives of the human rights treaty bodies in their meetings;

22. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the recommendation by the meeting of the persons chairing the human rights treaty bodies that each treaty body continue to consider how it might most effectively incorporate gender perspectives in its work practices; 13/

23. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

24. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

11/ A/51/482, annex, para. 53.

12/ Ibid., para. 25.

13/ Ibid., para. 60.

25. Decides to continue giving priority consideration, at its fifty-second session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".

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Agenda item 110 (a)

HUMAN RIGHTS QUESTIONS: IMPLEMENTATION OF HUMAN RIGHTS INSTRUMENTS

Albania, Argentina, Australia, Austria, Bulgaria, Canada, Chile, Côte d'Ivoire, Czech Republic, Denmark, Finland, Germany, Georgia, Iceland, Italy, Liechtenstein, Lithuania, Luxembourg, Hungary, Netherlands, Norway, Poland, Portugal, Republic of Korea, Romania, Slovakia, Sweden and United Kingdom of Great Britain and Northern Ireland: draft resolution

Effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights

The General Assembly,

Recalling its resolution 50/170 of 22 December 1995, as well as other relevant resolutions,

Recalling also the relevant paragraphs of the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights on 25 June 1993,[1]

Reaffirming that the full and effective implementation of United Nations human rights instruments is of major importance to the efforts of the Organization, pursuant to the Charter of the United Nations and the Universal

[1] Report of the World Conference on Human Rights, Vienna, 14-25 June 1993 (A/CONF.157/24 (Part I)), chap. III.

Declaration of Human Rights,[2] to promote universal respect for and observance of human rights and fundamental freedoms,

Considering that the effective functioning of the treaty bodies established pursuant to United Nations human rights instruments is indispensable for the full and effective implementation of such instruments,

Conscious of the importance of coordination of the human rights promotion and protection activities of the United Nations bodies active in the field of human rights,

Noting with appreciation the initiatives taken by a number of treaty bodies to elaborate early-warning measures and urgent procedures, within their mandates, with a view to preventing the occurrence, or reoccurrence, of serious human rights violations,

Expressing concern that the underresourcing of the Centre for Human Rights of the Secretariat is one impediment to the human rights treaty bodies in their ability to carry out their mandates effectively,

Reaffirming its responsibility to ensure the effective functioning of human rights treaty bodies, and reaffirming also the importance of:

(a) Ensuring the effective functioning of the periodic reporting by States parties to these instruments;

(b) Securing sufficient financial, human and information resources to overcome existing difficulties with their effective functioning;

(c) Promoting greater efficiency and effectiveness through better coordination of the activities of the United Nations bodies active in the field of human rights, taking into account the need to avoid unnecessary duplication and overlapping of their mandates and tasks;

(d) Addressing questions of both reporting obligations and financial implications whenever elaborating any further instruments on human rights,

Taking note of the report of the Secretary-General on the effective implementation of international instruments on human rights, including reporting obligations under international instruments on human rights,[3]

1. Welcomes the report of the persons chairing the human rights treaty bodies on their seventh meeting, held at Geneva from 16 to 20 September 1996,[4] and takes note of their conclusions and recommendations;

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[2] Resolution 217 A (III).

[3] A/51/425.

[4] A/51/482, annex.

2. Encourages greater efforts to identify measures for more effective implementation of the United Nations human rights instruments;

3. Emphasizes the need to ensure financing and adequate staff and information resources for the operations of the human rights treaty bodies and, with this in mind:

(a) Reiterates its request that the Secretary-General provide adequate resources in respect of each treaty body;

(b) Calls upon the Secretary-General to make the most efficient use of existing resources and to seek the resources necessary to give the treaty bodies adequate administrative support, access to technical expertise and access to appropriate databases and on-line information services;

(c) Requests that the Secretary-General report on this question to the Commission on Human Rights at its fifty-third session and to the General Assembly at its fifty-second session;

4. Welcomes the continuing efforts by the treaty bodies and the Secretary-General aimed at streamlining, rationalizing, rendering more transparent and otherwise improving reporting procedures, and urges the treaty bodies and the meetings of persons chairing the treaty bodies to continue to examine ways of reducing the duplication of reporting required under the different instruments, without impairing the quality of reporting, and of generally reducing the reporting burden on Member States;

5. Requests that the Secretary-General prepare, from within existing resources, a detailed analytical study comparing the provisions of the International Covenant on Economic, Social and Cultural Rights,[5] the International Covenant on Civil and Political Rights,[5] the International Convention on the Elimination of All Forms of Racial Discrimination,[6] the Convention on the Elimination of All Forms of Discrimination against Women,[7] the Convention on the Rights of the Child[8] and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[9] with a view to identifying duplication of reporting required under these instruments;

6. Requests the United Nations High Commissioner for Human Rights, in accordance with his mandate, to encourage the independent expert to finalize his interim report on possible long-term approaches to enhancing the effective

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[5] Resolution 217 A (III).

[6] Resolution 2106 A (XX), annex.

[7] Resolution 34/180, annex.

[8] Resolution 44/25, annex.

[9] Resolution 39/46, annex.

operation of the human rights treaty system[10] in time for the final report to be considered by the Commission on Human Rights, as requested by the General Assembly in its resolution 48/120 of 20 December 1993, at its fifty-third session;

7. Urges States parties to contribute, individually and through meetings of States parties, to identifying and implementing ways of further streamlining, rationalizing, avoiding duplication in and otherwise improving reporting procedures;

8. Expresses concern about the increasing backlog of reports on implementation by States parties to United Nations instruments on human rights and about delays in consideration of reports by the treaty bodies;

9. Also expresses concern about the large number of overdue reports under the United Nations instruments on human rights, and again urges States parties to make every effort to meet their reporting obligations;

10. Invites States parties that have been unable to comply with the requirements to submit their initial report to avail themselves of technical assistance;

11. Requests the United Nations High Commissioner for Human Rights to ensure that the revised Manual on Human Rights Reporting is available in all official languages at the earliest opportunity;

12. Encourages the efforts of the human rights treaty bodies to examine the progress made in achieving the fulfilment of human rights treaty undertakings by all States parties, without exception;

13. Urges States parties to address, as a matter of priority, at their next scheduled meetings, the issue of States parties consistently not complying with their reporting obligations;

14. Urges all States parties whose reports have been examined by treaty bodies to provide adequate follow-up to the observations and final comments of the treaty bodies on their reports;

15. Encourages the treaty bodies to continue to identify specific possibilities for technical assistance, to be provided at the request of the State concerned, in the regular course of their work of reviewing the periodic reports of States parties;

16. Welcomes the recommendation by the meeting of persons chairing the human rights bodies that treaty bodies urge each State party to translate, publish and make widely available in its territory the full text of the concluding observations on its reports to the treaty-monitoring bodies, and request the United Nations High Commissioner for Human Rights to make every effort to ensure that recent reports and the summary records of committee

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[10] A/CONF.157/PC/62/Add.1/Rev.1

discussions pertaining to them, as well as concluding observations and final comments of the treaty bodies, are made available in the United Nations information centres in the countries submitting those reports;

17. Also welcomes the contribution to the work of the human rights treaty bodies made by the specialized agencies and other United Nations bodies, and invites the specialized agencies, other United Nations bodies and the treaty bodies to continue to pursue further cooperation between them;

18. Endorses the recommendation of the persons chairing the human rights treaty bodies that efforts continue to be made to enhance coordination and cooperation between the human rights treaty bodies and the special rapporteurs, representatives, experts and working groups of the Commission on Human Rights and the Subcommission on Prevention of Discrimination and Protection of Minorities;[11]

19. Recognizes the important role played by non-governmental organizations in the effective implementation of all human rights instruments, and encourages the exchange of information between the human rights treaty bodies and such organizations;

20. Recalls, with regard to the election of the members of the human rights treaty bodies, the importance of giving consideration to equitable geographic distribution of membership and to the representation of the principal legal systems, and of bearing in mind that the members shall be elected and serve in their personal capacity and shall be of high moral character and recognized competence in the field of human rights;

21. Takes note of the recommendation by the persons chairing the human rights treaty bodies that any new human rights treaty should allow for simplified amendment of its procedural provisions;[12]

22. Encourages the Economic and Social Council, as well as its functional commissions and their subsidiary bodies, and other United Nations bodies and specialized agencies to consider opportunities for the participation by representatives of the human rights treaty bodies in their meetings;

23. Welcomes the continuing emphasis by the persons chairing the human rights treaty bodies that the enjoyment of the human rights of women should be monitored closely by each treaty body within the purview of its mandate, and in this regard endorses the recommendation by the meeting of the persons chairing the human rights treaty bodies that each treaty body continue to consider how it might most effectively incorporate gender perspectives in its work practices;[13]

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[11] A/51/482, annex, para. 53.

[12] Ibid., para. 25.

[13] Ibid., para. 60.

24. Also welcomes all appropriate measures the human rights treaty bodies may take, within their mandates, in response to situations of massive human rights violations, including bringing those violations to the attention of the United Nations High Commissioner for Human Rights, the Secretary-General and the competent bodies of the United Nations in the field of human rights, and requests the High Commissioner, acting within his mandate, to coordinate and consult throughout the United Nations system in this regard;

25. Requests the Secretary-General to report to the General Assembly at its fifty-second session on measures taken to implement the present resolution and on obstacles to its implementation;

26. Decides to continue giving priority consideration, at its fifty-second session, to the conclusions and recommendations of the meetings of persons chairing human rights treaty bodies, in the light of the deliberations of the Commission on Human Rights, under the item entitled "Human rights questions".